

**Conservation Commission  
Minutes of June 23, 2016  
Public Hearings  
Mashpee Town Hall  
Waquoit Meeting Room**

**Commissioners:** Brad Sweet, Ralph B. Shaw, Jr., Dale McKay, and John Rogers,

**Staff Present:** Drew McManus (Conservation Agent) and Judy Daigneault (Recording Secretary).

**Call Meeting to Order: 5:55 p.m.**

The meeting was called to order with a quorum by Chairman Brad Sweet at 5:55 p.m.

There was no public comment.

**PRE/POST-HEARING AGENDA**

**Minutes:** Approve June 9, 2016 Minutes

**Hold until July 14 meeting**

**ADDITIONAL TOPICS**

*(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)*

**Discussion: Bayswater New Seabury Maintenance Agreement for coastal bank stabilization project at Shore Drive West/Coastline Drive**

The Agent referred to the revised agreement Bayswater New Seabury Maintenance Agreement. This Agreement will ensure debris that gets caught up in the pile configuration is removed in a timely manner. Other issues are to be reported to the Commission in a timely matter. The Agreement included conducting 4 quarterly inspections per year due in January, April, July and October, which will include photographs of pre and post clean up; a brief narrative including the date/time of inspection; name of inspector; summary of existing conditions and a summary of the maintenance work that took place. Also a submission of an annual report due in April detailing the functionality of the project which will include photographs and the annual beach profiles. It was noted that the word "annually" should be changed to quarterly". It was agreed that this is a significantly improved document.

The Agent recommended approval of the document.

**Motion: Mr. McKay moved to approve the proposed new procedure with the changes discussed changing annual to quarterly inspections. Seconded by Mr. Rogers. Vote unanimous 4-0**

**Grant Application: Massachusetts Division of Ecological Restoration – Upper Quashnet River/Bogs**

The Agent stated that he has completed the application for the grant for the Mass Division of Ecological Restoration for the Upper Quashnet River/Bogs and Fish Ladder. He included a GIS map in the application showing the area, results of the ground penetrating radar study and several letters of endorsement.

**HEARINGS:**

**6:00 George Silvestro (Applicant), 80 Waterway. Proposed septic system upgrade (Donna L. Cho- Owner of record) RDA**

**Resource Area: LSCSF, buffer zone to coastal bank**

Michael Borselli, Falmouth Engineering, represented the applicant. He reported the owner is planning to do a new septic upgrade. They have designed a septic system to replace a failing system. The new system meets all of the regulations of Title V. They need variances from the Board of Health at their meeting this evening. He noted the plan before the Commissioners states it is a 3 bedroom house but it is a four bedroom system and the new system will support this

The Agent asked about the driveway. Mr. Borselli said the driveway may be slightly ramped up or some lawn may be installed in instead. The Agent reminded him that any replacement lawn needs to meet the nitrogen bylaw. Mr. Borselli stated any further landscaping will be discussed with the Agent for approval. The Agent noted this issue is on the Board of Health agenda tonight to accommodate a 4 bedroom system

No comments from the public.

**Motion: Mr. Shaw moved a negative determination, seconded by Mr. McKay. Vote unanimous 4-0**

**6:03 Lilyrose Mekjian-Krause and Richard R. Krause, 99 Bayshore Drive. Proposed demolition/reconstruction of deck. RDA**

**Resource Area: Land Subject to Coastal Storm Flow**

John Gomes, Builder, represented the applicant. He explained the project is to rebuild the existing deck to a new 12' by 48 foot deck. The Agent stated this is a straightforward application. The jurisdiction is land subject to coastal storm flow. There are no actual wetlands within 100 ft. of the project locus. He noted the location of the deck on the photos. There will be no removal of native vegetation so it does meet the standards for regulation 25. He recommended a negative determination.

No comments from the public.

**Motion: Mr. McKay moved for a negative determination, seconded by Mr. Shaw. Vote unanimous. 4-0**

The Agent noted taxes need to be addressed before the permit can be released.

**6:06 Erin L. McSweeney, 387 Monomoscoy Road. Proposed relocation of two piles and addition of float to existing, licensed pier structure. NOI**

**Resource Areas: Land Under Ocean, Salt Marsh, Bordering Vegetated Wetland, Coastal Dune, Land Containing Shellfish**

Matt Costa, Cape and Islands Engineering, represented the applicants. He said this originally started out as a Notice of Intent for the addition of a float to the existing pier. In working with the staff, it was discovered there was a violation to the site. Sand was added to the site without following the proper channels. The homeowner asked for a couple of continuances to develop mitigation and has been working with the Agent to resolve that. He noted on the photos they are proposing to relocate the piles and add a float which will require a new Chapter 91 license.

Mr. Costa explained the sand area. He said a portion of it is in the salt marsh. They will rake all the sand back and put in a very low siltation fence that will run along the salt marsh. The area will be replanted with beach grass and at the top of the area they will plant various grasses that will act as a barrier between the sand area and the newly planted beach grass area. He will report back to the Agent that everything is growing as it should be. He said it is understood that this planting has to take place prior to the modifications on the pier.

The Agent noted the owner of the home had put down sand over what was partially classified as coastal dune and the rest was unmaintained lawn. The problem was that the sand was put up against the salt marsh. When the Agent went out to the site, he determined that the sand needs to be removed 30 feet away from the edge of salt marsh. This needs to be staked in the field and must be done, including the plantings, before any other proposed work commences.

As far as the relocation of the piles and accommodating the new float, the Harbormaster did not have any issues. The Shellfish Constable requested that the Board Condition that the boats being docked at low tide will have no prop dredging of any kind and that the boats will not prevent access to shellfishing as a result of their placement around the new float. As long as these Conditions are added, the Shellfish Constable was fine with this application. The Agent also suggested adding a Condition that at no time shall the salt marsh be adversely affected by the sand that is on the lot. This means additional methods such as a berm or something along those lines to contain the sand. We can also Condition additional measures if necessary if it starts to become an issue.

No comments from the public.

**Motion: Mr. McKay move that we close and issue as discussed, seconded by Mr. Shaw. Vote unanimous 4-0**

**6:09 Erik R. Wallin and Alaina Giampapa, 22 Taffrail Way. Proposed landscape and hardscape improvements and tree removal/replacement. RDA**

**Resource Areas: LSCSF, buffer to Coastal Bank and Land Under Ocean**

Andrew Garulay, Yarmouth Port Design Group, represented the applicant. He stated they would be adding a seed mix of Rye and Fescue to stabilize the soil. They would also like to remove the dead 12" pitch pine and replace it with an 8' Eastern Red Cedar and add inkberries to the existing inkberry planting adjacent to their deck on the bulkhead side of the property. The project also includes the alteration of the driveway which will be reshaped with a cobble border and remain a clam shell surface with pressure treated timbers. The street side of the property will be re-landscaped with ornamental plantings. Mr. Garulay stated the request complies with the performance standards of the wetland regulations and will improve the buffer by stabilizing the soil adjacent to the bulkhead and there will be no increase in runoff.

The Agent stated a previous application for a deck expansion and renovations to the house included a Condition that there be grass seeding. This was never got done. He noted the wildflowers on the site. Mr. Garulay suggested planting a fescue lawn and the Agent stated that they are required to produce a receipt from the landscaper that this is a high fescue mix. He noted there is native vegetation on the side closer to the water but nothing is interfering, except for one dead pitch pine that is going to be replaced by a red cedar.

No comments from the public.

**Motion: Mr. McKay moved for a negative determination, seconded by Mr. Shae. Vote unanimous 4-0**

**6:12 p.m. Eugene and Nancy S. Smargon, 172 Ninigret Avenue. Proposed tree removal and tree pruning. RDA**

**Resource Area: Buffer zone to Land Under Water bodies and Waterways (Johns Pond)**

Nancy Smargon, homeowner, explained they would like to cut down branches off of two trees that are blocking the sun over the deck and causing mildew. They would also like to cut back one large tree to below the house level since the tree is leaning towards the house.

The Agent stated he met with the homeowners and viewed the property. He noted the trees on the photos. One large tree is proposed to be cut into a snag because it is leaning towards the house. He noted the shading that is happening on the deck and the owner is asking for maintenance pruning in that area. It is taking care of a hazardous situation and opening up the canopy which is not vista pruning.

No comments from the public

**Motion: Mr. McKay moved for a negative determination, seconded by Mr. Shaw. Vote 4-0**

**6:15 43 Waterline LLC, 43 Waterline South Drive. Proposed Amendments to the Order of Condition 43-2863. Amendments to include revisions to the patio, pool, and house footprint**

**Motion: Mr. McKay moved to continue hearing to July 14, 2016 at 6:06 p.m. at the applicant's request. Seconded by Mr. Shaw. Vote unanimous 4-0**

**6:18. Stanley W. Kasper, 41 Halyard Lane. Proposed Amendments to Order of Conditions 43-2834 Amendments to include installation of septic system upgrade and one-car garage. AOC**

**Resource Area: Buffer Zone to inland bank/freshwater wetland**

Wayne Tavares, Landscape Architect, represented the applicant. He said they were before the Commissioners last September to get approval for an Order of Conditions for a two-car garage and mitigation. In the process of doing the building, it was discovered that Mr. Kasper's septic system was deficient. They went back to the drawing board and to include putting in a title V septic system. They are now 51 feet away from the wetland and the Board of Health has approved the system. Plans call for a one car garage. Mr. Tavares noted on the plan where the new septic system will be installed as well as the one car garage. They also did a complimentary mitigation plan.

The Agent noted this was brought before the Commission as a notice of intent and an Order of Conditions was issued for a two car garage. This is a buffer zone to a freshwater wetland. He noted on photos the work area and mitigation area to provide a buffer from that wetland. The Board of Health approved a Title V Septic System for the 3 bedroom dwelling. There are no real changes to the performance standards. The mitigation numbers have been adjusted accordingly with native shrubs to create the buffer zone.

No comments from the public.

**Motion: Mr. McKay moved to approve the amendments to the order of conditions, seconded by Mr. Shaw. Vote 4-0**

**Vote: Accept Land Donations from Clipper Ship Village**

The Agent explained this is a proposal to accept land donations from the Clipper Ship Village. He showed the Clipper Ship Village on map and the parcels to be donated connected to the Mashpee River Woodlands. They submitted quitclaim deeds and two out of three have been reviewed by Town counsel who had no problem with them. The Agent said he checked out the other two to make sure there were no issues with them and they are fine. He hasn't had a chance to review the third one yet and wants to make sure there isn't any encroachment and Town counsel hasn't reviewed the quitclaim as of yet.

The Treasurer, and President from Clipper Ship were present and noted the board voted to accept some parcels in August. They invited the Agent to come out and do a tour. There are cement bounds in some places.

The Agent said the procedure is that they have to present quitclaim deeds to be reviewed by Town counsel and then presented to the commissioners. He said the parcels about the Mashpee River Woodland. If the selectmen choose to, they can vote on all four parcels and then the Commission would send a letter of recommendation to the Selectmen. The Commissioners could vote on the acceptance conditioned on the Agent's inspection and Town counsel's approval. The Agent stated Town counsel suggested we install boundary

markers and identify it as Town owned conservation land.

No comments from the public.

**Motion: Mr. Shaw moved to accept the land donations as discussed with the two conditions, Mr. Rogers. Vote 4-0**

### **Regulation 30 Nutrient Loading**

Hold discussion until Mr. Gurnee is present.

The Agent reviewed a letter he drafted to the Division of Marine Fisheries. He requested that the Commissioners review it and let him know if they have any suggestions before the next meeting. At the next meeting, the Commission can vote on it and then he will forward it to the Division of Marine Fisheries.

**Mr. Rogers moved to adjourn, seconded by Mr. McKay. Vote unanimous 4-0  
Meeting adjourned 7:10 p.m.**

**Respectfully Submitted,**

**Judy Daigneault  
Recording Secretary**